

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

BUNGE MILLING, LLC  
Employer

and

Case 25-RC-262150

BCTGM, LOCAL 280, A/W BAKERY,  
CONFECTIONARY, TOBACCO WORKERS AND  
GRAIN MILLERS INTERNATIONAL UNION,  
AFL-CIO, CLC  
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.

On November 9, 2020, the Board issued its decision in *Aspirus Keweenaw*, 370 NLRB No. 45 (2020), which sets forth the guidelines and parameters applicable to determining the propriety of a mail-ballot election under the current circumstances of the Covid-19 pandemic.

In denying review, we note that the direction of a mail-ballot election was consistent with the concerns articulated in *Aspirus Keweenaw*. Moreover, the election has been held and setting it aside would result in waste of resources and delay and would be a disservice to the employees who cast their ballots in good faith. Denying review is also warranted because the current trend in new cases in Greene County, Indiana, where the Employer's facility is located, would support a mail-ballot election under *Aspirus Keweenaw* if this election were set aside and a new determination were to be made now.<sup>1</sup> Under all of the foregoing circumstances, we find no reason to overturn the Regional Director's determination.

JOHN F. RING,

CHAIRMAN

MARVIN E. KAPLAN,

MEMBER

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<sup>1</sup> As of November 17, 2020, the 14-day trend in the number of new cases in Greene County, Indiana, is increasing. <https://www.co.greene.in.us/departments/division.php?structureid=85>.

Member McFerran agrees to deny review of the Regional Director's Decision and Direction of Election for the reasons given in her separate opinion in *Aspirus*. She further agrees, however, that setting aside the election at this point would be inefficient and unfair to the unit employees, and that, even under the majority opinion in *Aspirus*, the Regional Director's decision should be affirmed based on the recent 14-day trend noted above.

LAUREN McFERRAN, MEMBER

Dated, Washington, D.C., November 25, 2020.